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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,665	09/30/2003	James Alford Stapleton JR.	HABERSHAM.1	5815
21590	7590	02/18/2005	EXAMINER	
GREG O'BRADOVICH, P.C. 295 CULVER STREET SUITE A LAWERENCEVILLE, GA 30045			KATCHEVES, BASIL S	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,665

Applicant(s)

STAPLETON ET AL.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 9 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/2/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,166,343 to O'Brian et al.

Regarding claims 1 and 12, O'Brian discloses a modular structure (fig. 1) having a top panel, a first, second, third, and fourth (fig. 1: 12, 20, 26 and opposite side of 26) spacer panels all perpendicular to the top panel. O'Brian also discloses connected first (66), second (34 and abstract), third (66) and fourth (opposite side of 34) panels all pivotally connected to their respective spacer panels.

Regarding claim 2, O'Brian discloses the third spacer (22) as being wider than the second spacer (26) which is wider than the first spacer (20).

Regarding claim 3, O'Brian discloses the third spacer as being generally equal to the sum of thicknesses of the first, second and fourth panels (figs. 5&6).

Regarding claim 4, O'Brian discloses the panels as being coplanar with their respective spacer panels (fig. 1).

Regarding claim 5, O'Brian discloses front back and sides of the four wall structure (fig. 1).

Regarding claim 6, O'Brian discloses an inherent general thickness to each panel.

Regarding claim 7, O'Brian discloses the first spacer (20) as being generally the same width as panel (fig. 5: 78, see width 20 compared with upper 78 panel thickness).

Regarding claim 8, O'Brian discloses the second spacer as being generally twice the width of the first spacer (fig. 5: see width of 20 and variable width of 26, which extends from a width equal to 20 on the left to a width larger than twice 20 on the right).

Regarding claim 10, O'Brian discloses parallel second and third spacer panels (24 & 22) as being perpendicular to a first spacer panel (opposite side of 26).

Regarding claim 11, O'Brian discloses the third and second and third panels as being sides and the first and second panels as being rear and front.

Regarding claim 13, O'Brian discloses a first spacer (22) as being between the front and rear walls (fig. 1: 34 and opposite wall), a second spacer (26) as being between two side walls (fig. 1), and a third spacer (20) as being between the front and rear walls (fig. 1).

Regarding claim 14, O'Brian discloses the spacers as being pivotally connected to their respective panels (abstract, figs. 5 & 6).

Regarding claim 15, O'Brian discloses the first spacer panel (22) as being wider than the second spacer panel (26 see narrowing area closer to left side), which is wider than the third spacer panel (20).

Regarding claim 17, O'Brian discloses a roof deck (12) connected to the walls.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 4,166,343 to O'Brian et al.

Regarding claim 18, O'Brian does not particularly disclose the steps of unfolding the structure. However, It would have been obvious to one having ordinary skill in the art at the time the invention was made to invert the structure to an orientation allowing the sides, back and front to drop out, as shown in fig. 1, and then rest the structure onto a base, as shown in figs. 8 and 9 (182 & 282).

Regarding claim 19, O'Brian discloses the claimed invention except for additional structures. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add additional structures, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Regarding claim 20, O'Brian does not particularly disclose the use of the structure as a detention center. However, O'Brian is inherently capable of being used as a detention center (42).

Art Unit: 3635

Claim Objections

Claim 9 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to folding structure in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK


Basil Katcheves

2/16/05

Examiner AU 3635